PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Yukari Hirata et al.

Serial No.:

10/590,586

Case No.: BY0040P

Art Unit:

1614

Filed

August 24, 2006

For

DIARYL-SUBSTITUTED FIVE-MEMBERED

HETEROCYLCE DERIVATIVE

............

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Attached is a copy of the official Filing Receipt under 35 U.S.C. 371 and 37 C.F.R. 1.495 received from the Patent and Trademark Office for the above-identified application for which issuance of a corrected Filing Receipt is respectfully requested.

The Filing Receipt does not list all of the inventors for the application. Attached are copies of the original Transmittal Letter and the Declaration and Power of Attorney. The inventors should be listed as:

Yukari Hirata
Satoru Ito
Hiroshi Kawamoto
Toshifumi Kimura
Yasushi Nagatomi
Hisashi Ohta
Akio Sato
Atushi Satoh

Also there is a typographical error in the title. The correct title is "Diaryl-Substituted Five-Membered Heterocycle Derivative".

Serial No.: 10/590,586 Case No.: BY0040P

Page

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This Request is required due to an error by the Office and is not due to error by Applicants, and no fee is believed to be due. Any fees associated with this Request may be charged to Merck Deposit Account No. 13-2755.

Respectfully submitted,

Y Eric Thies

Reg. No. 35,382

Attorney for Applicant

MERCK & CO., Inc.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-3904

Date: March 6, 2009





United States Patent and Trademark Office

BY0040P

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS PO. Box 1450 Alexandra, Virginia 22313-1450

٢	APPLICATION	FILING or	GRPART					ĺ
-	NUMBER	371(c) DATE	UNIT	fil fee rec'd	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS	ļ
L	10/590.586	08/24/2006	1614	1400	BY0040P	13	3	

CONFIRMATION NO. 8509

210 MERCK AND CO., INC P O BOX 2000 RAHWAY, NJ 07065-0907

FILING RECEIPT

Date Mailed: 01/22/2009

JAN 8: 200

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

- Yukari Hirata, Tsukuba-shi, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number 210

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP05/04379 03/07/2005

Foreign Applications

JAPAN 2004-063243 03/05/2004

Yukari Hirata

Satoru Ito

Hiroshi Kawamoto

Toshifumi Kimura

Yasushi Nagatomi

Hisashi Ohta

Akio Sato

Atushi Satoh

If Required, Foreign Filing License Granted: 04/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention,

is US 10/590,586

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

MIERHO

page 1 of 3

Title

Dairyl substituted five-membered heterocycle derivative

Preliminary Class

Diaryl-Substituted Five- Membered Heterocycle Derivative

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

Approved for use through 3/31/2007. Oivus 0651-0021

	ENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER
U.S.	DEPARTMENT OF COMMERCE	BY0040P
TRANSMITTAL LETTER ' DESIGNATED/ELECTE CONCERNING A FILIN	D OFFICE (DO/EO/US)	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/JP2005/004379	7 MARCH 2005	5 MARCH 2004
TITLE OF INVENTION DIARYL-SUBSTITUTED FIVE-MEN	MBERED HETEROCYCLE DERIVA	TIVE
APPLICANT(S) FOR DO/EO/US		(4
		lagatomi; Hisashi Ohta; Akio Sato; Atsushi Satoh
Applicant herewith submits to the other information:	United States Designated/Elected Of	ffice (DO/EO/US) the following items and
1. X This is a FIRST submission	of items concerning a filing under 35 t	U.S.C. 371.
	EQUENT submission of items concer	
<u>—</u>	begin national examination procedure	s [35 U.S.C. 371(f)]. The submission must
4. X The US has been elected (PC	CT Article 31).	•
5. X A copy of the International A	application as filed [35 U.S.C. 371(c)(2)]
a. X is attached hereto (req	uired only if not communicated by the	e International Bureau).
b. has been communicate	ed by the International Bureau.	
c. is not required, as the	application was filed in the United Sta	ates Receiving Office (RO/US).
a. X is attached hereto	ion of the International Application as	filed [35 U.S.C. 371(c)(2)].
<u></u>	abmitted under 35 U.S.C. 154(d)(4).	OCT A-4:-1- 10 (25 TI C C 271(-)/2)]
a. are attached hereto (re	equired only if not communicated by the	PCT Article 19 [35 U.S.C. 371(c)(3)]. ne International Bureau).
	ted by the International Bureau.	
	lowever, the time limit for making suc	h amendments has NOT expired.
d. have not been made as		
8. An English language translat	ion of the amendments to the claims w	nder PCT Article 19 [35 U.S.C. 371(c)(3)].
9. X An oath or declaration of the	inventor(s) [35 U.S.C. 371(c)(4)].	
10. An English language translation Article 36 [35 U.S.C. 371(c)) Items 11 to 20 below concern other	(5)].	Preliminary Examination Report under PCT
	tatement under 37 CFR 1.97 and 1.98.	
		compliance with 37 CFR 3.28 and 3.31
13. A preliminary amendment.		
14. An Application Data Sheet ur	nder 37 CFR 1.76.	
15. A substitute specification.		
16. A power of attorney and/or cl	nange of address letter.	
17. A computer-readable form of	the sequence listing in accordance wi	th PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
	ed International Application under 35	
19. A second copy of the English	language translation of the internation	nal application under 35 U.S.C.154(d)(4).
20. Other items or information:		

U.S. APPLICATION N	10. (If km	lowe, see 37 CF	R 1.5)	INTER	NATIONAL A	APPLICATION	NO.	ATTORNEY'S DOCKET NUMBER			
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23. Search fee If the written opinion IPEA/US indicates all Search fee [37 CFR 1. International Search in International Search R previously communicated All other situations	of the IS I claims: 1.445(a)(Ing Author Report presented to the	SA/US or the is satisfy provising (2)] has been proving ority	paid on the ISA other to	T Article internation than the	e 33(1)-(4) tional applica US and prov	ation to the U	JSPTO as a	an\$100	\$400.00		
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Patent Department P.O. Box 2000 126 East Lincoln Rahway, New Jer	Avenue	ıe		,			SIGNA	TURE	IW		
DATE: August 2	·			_			J. Eric T NAME				

Page 1A of TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371

Attorney Docket No.:

BY0040P

International Appln No.:

PCT/JP2005/004379

International Filing Date:

March 7, 2005

Priority Date:

March 5, 2004

DIARYL-SUBSTITTUED FIVE-MEMBERED

HETEROCYCLE DERIVATIVE

Inventors: Yukari Hirata, Satoru Ito, Hiroshi Kawamoto, Toshifumi

Kimura, Yasushi Nagatomi, Hisashi Ohta, Akio Sato,

Atsushi Satoh

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT August 24, 2006

Title:

EXPRESS MAIL NO. EV660608829 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY Junda Zehrendate August 24, 2006

DECLARATI	ON AND	Attorney Docket Number	BY0040	0040								
POWER OF AT	TORNEY	First Named Inventor	ukari Hirata									
PATENT APPL		COMPLETE IF KNOWN										
(37 CFR 1.		Application Number										
Declaration Submitted	Declaration Submitted after Initial	Filing Date										
with Initial OR Filing	Filing (surcharge (37 CFR 1 16 (c))	Group Art Unit										
	required) Examiner Name											
As a below named inventor My residence, mailing address		s stated below next to my nam	12.	ì								
I believe I am the original, f names are listed below) of the	irst and sole inventor (if he subject matter which	only one name is listed below is claimed and for which a pat	 or an original, first and joint inventent is sought on the invention entitle 	itor (if plural ed:								
DIARYL-SUBSTITUTED FI	VE-MEMBERED HET	EROCYCLE DERIVATIVE										
		(Title of the Invention)										
the specification of which bears the Attorney Do	cket Number and Title o	f the Invention noted above										
OR is attached hereto												
OR was filed on (MM/DD)	AYYY) 03/07/2005	as United States Ap	oplication Number or PCT Internation	mal								
		vas amended on (MM/DD/YY		plicable).								
I hereby state that I have revamended by any amendment	viewed and understand the	he contents of the above identi	fied specification, including the claim									
as defined in 37 CFR 1.56.	including for continuation	on-in-part applications, materia	tion known to me to be material to pal information which became availabed ate of the continuation-in-part appl	de between								
certificate(s), or 365(a) of an America, listed below and ha	y PCT international appare	lication which designated at le , by checking the box, any for	of any foreign application(s) for patest one country other than the Uniteeign application for patent or inventeration on which priority is claimed.	d States of								
Prior Foreign Application Number(s)	Country	Foreign Filing Dat (MM/DD/YYYY))	Priority Claimed? YES NO								
JP2004-063243	Japan	03/05/2004	BY0040PV									
JP2005/004379	PCT	03/07/2005	BY0040									
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I hereby claim the benefit unde	r 35 U.S.C. 119(e) of any l	Jnited States provisional application Filing Date	on(s) listed below.									
Application Nun	nber(s)	(MM/DD/YYYY)	Attorney Docket N	ket Number								

425

DECLARATION AND POWER OF ATTORNEY for Utility or Design Patent Application

designating the is not disclose 35 U.S.C. 11.	n the benefit under 35 U.S one United States of America ed in the prior United States 2, I acknowledge the duty to which became available be optication.	, listed or PC disclo	below Tinter se info	vand, inse mational ormation	ofar a appli knov	as the ication vn to r	subject n in the n ne to be	natter nanne mater	of each or provided rial to pate	of the call by the entability	laims of e first p ity as de	this aragn fined	application aph of l in		
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As a named inventor, I hereby appoint, respectively and individually, as my attorney(s) or agent(s) with full power of substitution and revocation, the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Practitioners Associated with the Customer Number 000210															
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Name	Eric Thies		•				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					***** *******************************	الله و الموادر الله و الموادر		
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Name of Sole or	First Inventor:					Ap	etition h	as bec	en filed for	r this u	ınsigned	inve	entor		
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Inventor's Signature	Tukan 7 ch	iato	<u>. </u>	···	·				Date	Aug, l			07,2006		
Residence: City	Tsukuba-shi	S	tate	lbaraki		Coun	itry JP			Citiz	enship	JP			
Mailing Address	Banyu Pharmaceutic	al Co.,	Ltd., I	Kitanoma	ru So	quare,	1-13-12		·		- <u>-</u> -				
City	Kudankita, Chiyoda-	ku, Tol	kyo		St	ate		ZIP	102-866	7	Coun	try	JAPAN		
X Additional in	nventors are being named on the)ė	_suppl	emental Ad	ditio	nal lav	entors(s)	sheet(s) PTO/SB	/02A o	r O2LR a	ttacht	ed hereto.		

DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S) Supplemental Sheet

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Name of Additional Joint Inventor, if any:							A petition has been filed for this unsigned inventor							
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Inventor's Signature		Satoru Ito							Date	A	nig. C	7.	2006	
Residence: City	Tsu	kuba-shi	State	Ibaraki	j	Country	y JP)		Citiz	zenship	JP		
Mailing Address	naru S	quare, 1-1	3-12											
City		Kudankita, Chiyoda-ku,	Tokyo	Sta	te		ZIP	102	-8667		Count	ry	JAPAN	
Name of Additio	nal J	oint Inventor, if any:] A peti	ition	has bo	en filed	for this	unsign	ed in	ventor	
Give	en Na	me (first and middle [i	fany])					F	amily N	lame or	r Surna	me		
Hiroshi				•	K	Cawamoto								
Inventor's Signature		Vinoshi tan	and	0					Date	A	up. é	>>	2006	
Residence: City	Tsuc	chiura-shi	State	lbaraki		Country	JP				enship			
Mailing Address		Banyu Pharmaceutical C	o., Ltd.,	Kitanom	iaru So	quare, I-13	3-12							
City		Kudankita, Chiyoda-ku,	Tokyo	State		Z	IP	102-8	667		Count	гу	JAPAN	
Name of Addition	nal Jo	oint Inventor, if any:				A petit	ion l	nas be	en filed	for this	unsigne	d inv	entor entor	
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Toshifumi	γ				K	imura				•	-			
Inventor's Signature	70	shitiumi Kimura	,			Date Aug. 07, 2006						706		
Residence: City	Tsuk	uba-shi	State	Ibaraki		Country JP Citizenship JP								
Mailing Address		Banyu Pharmaceutical Co	o., Ltd.,	Kitanoma	aru Sq	uare, 1-13	-12							
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Yasushi					Na	igatomi								
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Mailing Address	E	Banyu Pharmaceutical Co	., Lad., P	Citanoma	ru Sqı	uare, I-13-	-12				1			
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DECLARATION AND POWER OF ATTORNEY

ADDITIONAL INVENTOR(S) Supplemental Sheet

Name of Additional Joint Inventor, if any:							A petition has been filed for this unsigned inventor							
Give	Family Name or Surname													
Hisashi	Ohta			_										
Inventor's Signature									Date	Ac	ng -0-	7-	2006	
Residence: City	Tsu	kuba-shi	State	lbara	ıki	Count	гу			•	enship			
Mailing Address		Banyu Pharmaceutical C	o , Lid.	Kitan	отаги	Square, 1-	13-12	2	····					
City		Kudankita, Chiyoda-ku,	Tokyo		S	State	The first the same of the same	ZIP	102-86	67	Count	ry	JAPAN	
Name of Addition	nal J	oint Inventor, if any:				A pe	tition	has be	en filed t	or this	unsigned	lin	ventor	
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Give	n Na	ime (first and middle [if	any])			Family Name or Surname								
Atsushi						Satoh								
Inventor's Signature		Atsushi		c_1	Tul	i ?			Date	Au	ig. O	7	. 2006	
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Mailing Address		Banyu Pharmaceutical Co	., Ltd.,	Kitano	maru S	Square, 1-1	3-12				-			
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Given Name (first and middle [if any])							Family Name or Surname							
Gentaroh]:	Suzuki												
Inventor's Signature Gentarah Suzuh.									Date	Au	.g. 07	7	2006	
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